

U.S. Patent Application Serial No. 10/516,949
Amendment filed January 30, 2009
Reply to OA dated October 30, 2008

REMARKS

Claims 1, 3-9 and 11-16 are pending in this application. An amendment is proposed herein amending claims 1 and 9. Upon entry of this amendment, claims 1, 3-9 and 11-16 will be pending. The applicants respectfully submit that no new matter has been added. Support for the amendments is detailed below. It is believed that this Amendment is fully responsive to the Office Action dated **October 30, 2008**.

Claims 1, 3-9 and 11-16 are objected to because of informalities. (Office action paragraph no. 2)

The Examiner objects to the phrase "collected respectively by corresponding said each collection tank." The Examiner has proposed the alternative wording --collected respectively by said each corresponding collection tank.--

The rejection is overcome by the clarifying amendments to claims 1 and 9. In this regard, the claims have been amended as follows:

Claim 1: "~~and when said plurality of~~ such that in the collection of each treatment solution ~~solutions is collected respectively by corresponding said each~~ its respective collection tank,"

Claim 9: "and when ~~said plurality of~~ each treatment solutions is collected ~~respectively~~ by ~~corresponding said each~~ its respective collection tank, ..."

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Applicant notes that the words "corresponding" and "respectively" are somewhat redundant, and the amendment uses only the term "respective." Reconsideration of the objection is respectfully requested.

Claims 1, 3-5, 7, 9, 11-13, and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by JP 2000-183010A. (Office action paragraph no. 4)

Claims 1-5, 7, 9-13, and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by JP 11-309404A. (Office action paragraph no. 5)

Claims 6, 8, 14 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 2000-183010A. (Office action paragraph no. 7)

Claims 8 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 11-309404A. (Office action paragraph no. 8)

Claims 6 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 11-309404A as applied to claims 1 and 9 above, and further in view of JP 2000-183010 A. (Office action paragraph no. 9)

Reconsideration of the rejections is respectfully requested in view of the amendment proposed herein to claims 1 and 9. In the proposed amendment, claims 1 and 9 have been amended in the last clause as follows: "is respectively driven only upwards to form a conduit"

In the response to the Office action of April 7, 2008, Applicant has argued that:

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regarding JP2000-183010A, when chemical solution and rinse solution are respectively collected by a chemical solution recovering cup (15) and a rinse solution recovering cup (16), **only an intermediate cup wall (30) is driven up and down**, and

regarding JP11-309404A, when chemical solution and pure water are respectively collected by a first recovery chamber (28) and a second recovery chamber (29), **only a separation plate (41) is driven up and down**.

Applicant argued that this differentiates these references from the present claims, in which, when a plurality of treatment solutions are collected respectively by each corresponding collection tank, **a plurality of fences which sets each collection tank is respectively driven upwards** to form a conduit of each collection tank. The wording of this portion of the claims has now been amended for clarity, as discussed above.

The Examiner states in the rejection that JP2000-183010A teaches the above-described feature of the present application in paragraph [0045], and JP11-309404A teaches the above-described feature of the present application in paragraph [0140].

However, the paragraph [0045] of JP2000-183010A only describes that a substrate processing device provided with two cups - the chemical solution recovering cup (15) and the rinse solution recovering cup (16) - is taken as a mere example in the embodiment and that three or more cups can be arranged. Thus, **there is no concrete description** that a plurality of intermediate cup

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walls, etc., which set each collection tank, are respectively driven upwards to collect treatment solutions.

Furthermore, as described above, it is only described in the embodiment of JP2000-183010A specification that **the intermediate cup wall (30)** dividing the two recovering cups is **driven up and down** to collect each treatment solution. In view of this, when three or more cups are arranged as in paragraph [0045], it evokes collecting each treatment solution by **driving the intermediate cup wall (30)** dividing two adjacent recovering cups **up and down**, but does not suggest collecting each treatment solution by respectively driving a plurality of the intermediate cup walls dividing each recovering cup up and down.

Similarly, the paragraph [0140] of JP11-309404A only describes that the combination of a developing solution and pure water is taken as a mere example in the embodiment and that it can be applied to the change of plural etching reagents. So, **there is no concrete description** that the plurality of fences which sets each collection tank is respectively driven **upwards** to collect the treatment solutions.

Furthermore, as described above, it is only described in the embodiment of JP11-309404A specification that **the separate plate (41)** dividing the two recovering cups is **driven up and down** to collect each treatment solution. So, there is no description to suggest the above feature in the present application.

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Accordingly, neither JP2000-183010A and JP11-309404A, cited by the Examiner, disclose or suggests the amendment to claims 1 and 9 that “said plurality of fences is respectively driven only upwards to form a conduit ...”

The claims, as amended, are therefore not obvious over JP2000-183010A and JP11-309404A, taken separately or in combination. Reconsideration of the rejections is respectfully requested.

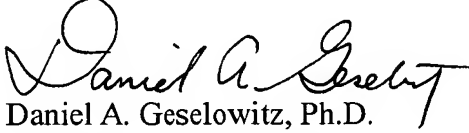
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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